

Board of Coal Mining Examiners Meeting

The following is a summary of the October 2, 2007, meeting

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Gerald Kendrick, Ricky O'Quinn, Joseph Buchanan and Arvil H. McConnell, Jr. All Board members were present. Also present were George P. "Bo" Willis, Department of Mines Minerals and Energy (DMME) Director, Benny Wampler, DMME Deputy Director, Sharon Pigeon, Assistant Attorney General, Mary Gibson, Regulatory Board Administrator and John Thomas, Inspector Supervisor
- II. Opening statement delivered by Frank Linkous, Chairman
- III. Motions made and seconded to accept October 2, 2007 meeting agenda and approve September 4, 2007, meeting summary. All members were in favor to approve.

IV. Review of cases of Virginia certificate holders

- Phillip P. Baker – An individual Notice of Violation #V-140071 was issued to Mr. Baker in reference to 45.1-161.177.A. of the Coal Mine Safety Laws of Virginia. Mr. Baker's General Miner Underground Certification and Gas Detection Certification were temporarily suspended pending appearance before the Board.

Board Decision: Board determined that effective October 2, 2007, all certifications granted to Mr. Baker are revoked for a period of one year. At the end of the one-year period, October 1, 2008, Mr. Baker may request to appear before the Board for a review of his certification status.

V. Review of cases of Kentucky actions for substance abuse for Virginia certificate holders (Closed session)

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Va. Code §§ 2.2-3711(A)(4) and 45.1-161.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VI. Review of Virginia substance abuse cases (Closed session)

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VII. Open Agenda

During open agenda discussions, the Board considered re-notification of miners of temporary suspension of certifications subsequent of the initial notification being returned to DMME as unclaimed or undeliverable in order to enter individuals on a docket. The Board voted to renotify such individuals providing the opportunity to appear at the next scheduled hearing before the Board. After that time frame, they will be removed from the docket.

VIII. Adjournment – 2:37 PM